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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTIAN ZAMORA ALVAREZ,

Defendant and Appellant.

2d Crim. No. B248912
(Super. Ct. Nos. 2010034592, 2012038364)
(Ventura County)

Christian Zamora Alvarez appeals an order revoking his probation and imposing judgment following conviction of burglary after he admitted violating the terms of probation. (Case No. 2010034592.) (Pen. Code, § 459.)¹

Alvarez also appeals a judgment entered after he expressly waived his constitutional rights and pleaded guilty to custodial possession of a weapon, and admitted suffering a prior serious felony strike conviction. (Case No. 2012038364.) (§§ 4502, subd. (a), 667, subds. (b)-(i), 1170.12, subds. (a)-(d).)

FACTS AND PROCEDURAL HISTORY

On December 22, 2010, in Case No. 2010034592, Alvarez pleaded guilty to second degree commercial burglary and admitted that he committed the criminal offense to benefit a criminal street gang. (§§ 459, 186.22, subd. (b)(1).)

¹ All further statutory references are to the Penal Code.

The offense involved burglary of a school classroom and the spray-painting of gang-related graffiti. The trial court granted Alvarez 36 months of formal probation with terms and conditions. Alvarez later violated the terms of probation on two occasions by using marijuana, and on a third occasion, by custodial possession of a weapon.

On December 18, 2012, in Case No. 2012038364, the prosecution charged Alvarez with custodial possession of a weapon and alleged that he had a prior serious felony strike conviction. (§§ 4502, subd. (a), 667, subds. (b)-(i), 1170.12, subds. (a)-(d).) The criminal offense involved the possession of a sharp knife-like object during Alvarez's confinement in county jail. As part of a plea agreement, Alvarez pleaded guilty to custodial possession of a weapon, and admitted that he suffered a prior serious felony strike conviction. The trial court sentenced Alvarez to a three-year term for the unlawful weapon possession. The court revoked probation for the commercial burglary conviction and imposed a two-year prison term, to be served concurrently. The court ordered victim restitution, imposed various fines and fees, and awarded Alvarez 292 days presentence custody credit in Case No. 2012038364, and 289 days presentence custody credit in Case No. 2010034592. The court dismissed the prior serious felony strike conviction and the criminal street gang allegation.

Alvarez filed a notice of appeal and obtained a certificate of probable cause from the trial court regarding asserted ineffective assistance of counsel.

We appointed counsel to represent Alvarez in this appeal. After counsel's examination of the record, he filed an opening brief raising no issues.

On February 4, 2014, we advised Alvarez that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We have not received a response.

We have reviewed the entire record and are satisfied that Alvarez's attorney has fully complied with his responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgments are affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Brian J. Back, Judge
Superior Court County of Ventura

Shea S. Murphy, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.